

### **REMARKS**

The Official Action dated March 28, 2007, has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested. Claims 1 and 6 have been amended. Claims 11 and 12 have been added. Support for the amendments can be found in the specification and claims as originally filed (for example, see the specification at page 5, line 10-16 and Examples 1-3). It is believed that these changes do not involve any introduction of new matter, and thereby entry is believed to be in order and is respectfully requested. Claims 1-12 remain in the application for consideration.

In the Official Action, claims 1-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Raehse et al (U.S. Patent No. 5,382,377). The Examiner asserts that Raehse et al disclose a process for the production of a detergent in the form of portioned pressings to form compacted granules and then into tablets. Moreover, the Examiner contends that Raehse et al disclose that the granules include surfactants, polymers and plasticizers, including nonionic and anionic surfactants such as sulfonates and sulfates. With respect to particle size, the Examiner asserts that Raehse et al teach that the granules have a particle size of about 0.3 mm to 2 cm. Moreover, the Examiner contends that Raehse et al disclose that the particles are compressed in the portioning step in a range from 1 to 300 bar.

Finally, the Examiner asserts that Raehse et al disclose all that is instantly required and is considered anticipatory, however, in the alternative, that the process and compositions of Raeshe et al are silent with respect to having at least two phases. The Examiner contends that it would have been obvious for the compositions or processes of Raeshe et al to compress the phases to form a homogenous resultant tablet.

However, as will be set forth in detail below, it is submitted that the detergent compositions set forth in claims 1-10 are not anticipated by nor obvious over and are patentably distinguishable over Raeshe et al. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

Raeshe et al appear to teach detergent granules which are pressed into portions/tablets (see abstract). However, Raeshe et al fails to teach the composition recited in independent claim 1, from which claims 2-12 depend, which includes a first phase comprising a surfactant

and a second phase having at least one particle comprising benefit agent wherein the particle floats in deionised water at 20°C. Rather, Raeshe et al only teach a single phase tablet which combines the various detergent components (see abstract). Moreover, the portioned pressings disclosed in Raeshe et al have density values above 1 g/cm<sup>3</sup>, and Raeshe et al further discuss how commercial products have portioned pressings with densities of from about 1.2 to 1.5 g/cm<sup>3</sup> (see col. 8, lines 53-61).

Rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 493 U.S.P.Q.853 (1989). Because Raeshe et al fail to teach or suggest portioned pressings/tablets having a first phase including a surfactant and a second phase having at least one particle including a benefit agent wherein the particle floats in deionised water at 20°C, Raeshe et al fail to teach the shaped detergent compositions as defined in the present claims. Accordingly, Applicants respectfully request reconsideration and allowance of claims 1-10.

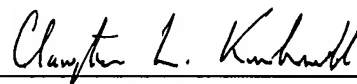
Moreover, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). As noted above, Raeshe et al fail to teach or suggest portioned pressings/tablets having a first phase including a surfactant and a second phase having at least one particle including a benefit agent wherein the particle floats in deionised water at 20°C. Moreover, it would not have been obvious to modify the teachings of Raeshe et al because Raeshe et al do not consider the benefits of using a multi-phase composition as presently claimed which allows for essentially incompatible ingredients to be formulated in a single dosage unit (see specification at p. 1, lines 30-32). Moreover, Raeshe et al teach that the final portioned pressings have densities greater than 1 g/cm<sup>3</sup>, which is higher in value than the density of water, and, as such, the particles contained in the portioned pressings as taught in Raeshe et al would not float in a water wash due to these higher density values. Thus, one skilled in the art would not be motivated to modify the teachings of Raeshe et al where it is taught to have portioned pressings/tablets with density values greater than that of water because the benefit agent would not be effective in such a system. As such, Raeshe et al fail to teach or suggest shaped detergent compositions as recited in independent claim 1.

Claims 1-10 were again rejected under the judicially created doctrine of obviousness-

type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,846,795 and claims 1-14 of U.S. Patent No. 6,974,789. Applicants will evaluate the filing of a terminal disclaimer over U.S. Patent Nos. 6,846,795 and 6,974,789 upon an indication of allowable subject matter.

It is believed that the above amendments and remarks represent a complete response to the rejections under 35 U.S.C. §§ 102 and 103, and the judicially created doctrine of obviousness-type double patenting, and as such, place the present application having claims 1-12 in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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